IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

CRL.A.No. 313 of 2001()

ST.97/1998 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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APPELLANT:

M.MONMOHAN, VAHINI, WEST PATTOM,
THIRUVANANTHAPURAM.

BY ADV. SRI.B.JAYASANKAR

RESPONDENTS:

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1. K.DILIKUMAR, III GRADE EMPLOYEE,
INSPECTION SECTION,
HINDUSTAN LATEX LTD., RESIDING
AT BIJU COTTAGE, OOLAMPARA,
PEROORKADA P.O,
THIRUVANANTHAPURAM

2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.313 of 2001(B)

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Dated this the 20th day of August, 2007

J U D G M E N T

The appellant is the complainant in S.T.No.97/1998 in the file of the Chief Judicial Magistrate, Thiruvananthapuram, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 24/09/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.313 of 2001(B)

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J U D G M E N T

20th August, 2007